amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, and Messrs. ROSTENKOWSKI, SCHNEEBELI, CONABLE, and PETTIS.

CALL OF THE HOUSE

Mr. MATHIS of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 687]

Adams	Grasso	Nelsen
Armstrong	Gray	O'Brien
Ashley	Griffiths	O'Hara
Badillo	Gross	Owens
Bell	Grover	Parris
Biaggi	Hanna	Patten
Blackburn	Hansen, Wash.	Podell
Blatnik	Harrington	Powell, Ohio
Boland	Harsha	Price, Tex.
Brademas	Hastings	Rangel
Brasco	Hébert	Rarick
Brotzman	Heckler, Mass.	Reid
Burton, John	Hogan	Rhodes
Butler	Holifield	Roncallo, Wyo.
Carey, N.Y.	Howard	Roncallo, N.Y.
Casey, Tex.	Hudnut	Rooney, N.Y.
Chamberlain	Hunt	Rousselot
Chappell	Jones, N.C.	Ruppe
Chisholm	Jones, Okla.	Ruth
Clancy	Kuykendall	Sandman
Clark	Landgrebe	Sarasin
Cotter	Landrum	Shipley
Cronin	Litton	Shoup
Daniels, Dominick V.	Luken	Staggers
	McCormack	Steele
Davis, Ga.	McDade	Stephens
Dellums	McEwen	Sullivan
Dennis	McKinney	Thompson, N.J.
Dent	McSpadden	Tiernan
Derwinski	Macdonald	Towell, Nev.
Diggs	Maraziti	Vander Jagt
Dingell	Martin, Nebr.	Walsh
Downing	Mathias, Calif.	Ware
Drinan	Matsunaga	Williams
Eshleman	Milford	Wolff
Flowers	Mills	Wyman
Flynt	Minshall, Ohio	Yatron
Frelinghuysen	Mizell	Young, Fla.
Giaimo	Mosher	Young, S.C.
Goldwater	Murphy, N.Y.	

The SPEAKER. On this rollcall 316 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DATE FOR CONVENING OF 94TH CONGRESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 260), and I ask for its immediate consideration.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman about the joint resolution.

Mr. O'NEILL. Mr. Speaker, if the gentleman will yield, there was a resolution, as the gentleman knows, which was sent over from the Senate some 2 or 3 weeks ago with regard to setting either Friday or Saturday as the day on which the Congress would adjourn sine die.

Mr. GROSS. What is the purpose of this resolution?

Mr. O'NEILL. The purpose of this resolution is to fix the date of January 14 as the day on which the new Congress will convene. We will be out of here on Friday, and this will fix the date January 14 as the date on which the new Congress will convene.

Mr. GROSS. This fixes both days then, the date for adjourning this Congress and the convening of the new Congress?

Mr. O'NEILL. No, this just fixes the convening of the new Congress on January 14.

Mr. GROSS. Mr. Speaker, why, with all the problems facing the new Congress, would it delay convening until the middle of January?

Mr. O'NEILL. The Constitution says unless otherwise fixed, the House and Senate will assemble on January 3, but in view of the fact that the House has been in session for 14 to 16 months since we have had a vacation, a year ago August, it is the feeling of the membership that we should come back on the 14th of January. I am sure the gentleman is aware that Congressmen who are leaving will complete their terms and their terms will expire on January 3.

We have discussed this with the leadership on the other side and with the President of the United States. It does not in any way cause difficulty for the President and at the same time he has informed the leadership he will be coming in then with a Presidential message.

I think it is in the best interest of the Congressmen who have been working consistently for 16 months that they should have a vacation of about 3 weeks.

Mr. GROSS. Mr. Speaker, I do think the situation in this country ought to mandate Congress convening at the earliest possible date and therefore I am opposed to convening the new Congress on January 14 and suffering the loss of that time in which to do something about the situation but I will not object for I am well aware that a vote on a motion to convene on January 14 would be overwhelmingly approved.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 260

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the 94th Congress shall begin at 12 o'clock noon on Tuesday, January 14, 1975.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

(Mr. DU PONT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DU PONT. Mr. Speaker, because of a prior commitment in Delaware, I did not have the opportunity to vote on H.R. 16204 or H.R. 14266 and the one amendment offered to it. Had I been present, I would have voted "yea" on H.R. 16204. I would have voted "yea" on H.R. 14266, and "nay" on Mr. MURPHY's amendment to that bill.

In addition, Mr. Speaker, I would like to comment briefly on S. 425, the strip mining bill which passed the House on Friday.

I have consistently supported the objectives of S. 425. I voted for the bill when it was before us in July and supported the conference report on final passage. However, I had serious misgivings about the rule granted to the conference report and I wish to clarify my reasons for opposing that rule.

First, I think it is both improper and dangerous for conferees to insert substantive proposals—in this case involving the coal tax—that were not a part of either Houses' bills as they were passed. We were not given adequate time or facts to decide intelligently whether the inflationary impacts of such a move were outweighed by the worthy objectives for which the moneys were to be spent.

Second, the introduction of entirely new material not considered by either House is a direct violation of rule 28, clause 3 of the rules of the House. The purpose of which is to guard against the approval of ill-advised, hastily considered insertions in conference reports being passed under the pressure of time. I believe that ignoring this rule in matters of substantial magnitude such as the tax provision of S. 425 surely was a mistake and should not be condoned by my voting for such action.

For these reasons I voted Nay on the rule for the conference report on S. 425 in spite of my support for the substance of the bill itself.

SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1975

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H.R. 16900 making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, with Senate amendments thereto, and concur in the Senate amendment to the House amendment to Senate amendment No. 17.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment to the Senate amendment No. 17, as follows:

At the end of amendment numbered 17 in disagreement, strike the period, insert a comma in lieu thereof, and add the following: "except as may be required to enforce nondiscrimination provisions of Federal law".

Mr. MAHON. Mr. Speaker, I ask for recognition.

Mr. GROSS. Mr. Speaker, reserving the right to object.

The SPEAKER. The gentleman from Iowa reserves the right to object.

Mr. MAHON. Mr. Speaker, I will explain this to the gentleman presently. I have made a motion.

Mr. GROSS. Is the so-called Holt amendment, does the gentleman consider that now to be scuttled?

Mr. MAHON. I am ready to discuss the issue, if the gentleman will listen; then he may have further questions.

Mr. Speaker, the House on December 4 adopted the conference report and amendments in disagreement to the supplemental appropriations bill (H.R. 16900). This bill provides a total of $8,659,352,078 in new budget authority. There are numerous items in this supplemental that cover a wide range of governmental programs. However, the two principal items in the bill contain funds for the Elementary and Secondary Education Act and the new community development program.

Amendment No. 17, the so-called Holt amendment, was approved by the House and contained the following language:

Provided further, That none of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin; or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin.

The conference report was agreed to in the Senate but the Holt amendment had the following language added to it: "except as may be required to enforce nondiscrimination provisions of Federal law."

So this was an addition added in the Senate after much debate and controversy. It seems to be the best that can be achieved at this time. I see nothing for us to do if we are to have a supplemental appropriations bill—and it is vital that we have it—except to move, although reluctantly, to accept the Senate modification of the language in the conference report. That is my motion.

I now yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I renew my question. Does the gentleman think the Holt amendment is scuttled, or is it considered in total in this conference report?

Mr. MAHON. Well, as the gentleman knows, the House throughout the year has been battling in the elementary and secondary education bill and in other legislation in connection with provisions to prohibit forced busing to achieve racial balance. Many of us are strongly opposed to forced busing to achieve racial balance. I, for one, am unyielding in my opposition to forced busing for the purpose of achieving racial balance.

CALL OF THE HOUSE

Mr. SISK. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 688]

Adams	Frelinghuysen	Murphy, N.Y.
Alexander	Giaimo	Nelsen
Archer	Gibbons	Nichols
Armstrong	Goldwater	Obey
Badillo	Grasso	O'Hara
Bell	Griffiths	Owens
Blackburn	Grover	Parris
Brademas	Gubser	Pepper
Brasco	Hanna	Podell, N.Y.
Breaux	Hansen, Wash.	Railsback
Brotzman	Harrington	Rangel
Brown, Calif.	Hastings	Rarick
Brown, Ohio	Hébert	Reid
Burton, John	Heckler, Mass.	Reuss
Butler	Hogan	Rhodes
Carey, N.Y.	Holifield	Riegle
Casey, Tex.	Hosmer	Roncalio, N.Y.
Chamberlain	Howard	Rooney, N.Y.
Chappell	Hudnut	Rousselot
Chisholm	Jarman	Sandman
Clancy	Jones, Ala.	Sarasin
Clark	Jones, N.C.	Shipley
Cohen	Jones, Okla.	Shoup
Conyers	Kuykendall	Staggers
Cotter	Landrum	Steele
Cronin	Litton	Stephens
Daniels, Dominick V.	Luken	Tiernan
	McDade	Towell, Nev.
Dennis	McKinney	Ullman
Dent	McSpadden	Vander Jagt
Derwinski	Macdonald	Williams
Dingell	Madigan	Wilson, Charles H., Calif.
Downing	Maraziti	
Drinan	Martin, Nebr.	Wolff
Eshleman	Mathias, Calif.	Wyatt
Evins, Tenn.	Mills	Wyman
Flowers	Mink	Young, Alaska
Flynt	Minshall, Ohio	Young, Fla.
Foley	Mitchell, Md.	
Fraser	Mizell	

The SPEAKER. On this rollcall, 318 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1975

Mr. MAHON. Mr. Speaker, as I was saying before the quorum call intervened, this is a motion to dispose of the supplemental appropriation bill which has passed the House and passed the Senate; the conference report passed the House.

The conferees agreed to the following language which passed the House:

Provided further, That none of these funds shall be used to compel any school system as a condition for receiving grants and other benefits from the appropriations above, to classify teachers or students by race, religion, sex, or national origin; or to assign teachers or students to schools, classes, or courses for reasons of race, religion, sex, or national origin.

The Senate then added this proviso: "except as may be required to enforce nondiscrimination provisions of Federal law."

Mr. Speaker, we have been battling over busing provisions throughout this session, and in fact, throughout the year. This is the best that can be achieved at this time, and I am proposing that we concur in the Senate provision, even though many of us do not agree with it, and send this bill to the White House, as it is urgently necessary that this $8 billion appropriation bill be passed before the adjournment of Congress.

I believe the gentlewoman from Maryland (Mrs. HOLT) has a question and would like me to yield to her for a comment.

Mrs. HOLT. I thank the chairman for yielding.

Does the gentleman agree that the Senate once again has acted to weaken a House amendment which was an effort to curb the excesses of the Federal bureaucracy? Do I understand the gentleman's statement to mean that he agrees with that?

Mr. MAHON. I am saying that the language adopted in the Senate does weaken the House position and that its meaning is not totally clear.

Mrs. HOLT. By large majorities, twice we voted on this amendment to H.R. 16900. It seems to me that this is loud and clear that the feeling of this House is that we want HEW to recognize that we do not want them to continue the harassment that has gone on.

The Senate now has added language saying, "except as may be required to enforce nondiscrimination provisions of Federal law."

This is certainly weakening our position that we twice have indicated here.

The Congress has never defined what is necessary to enforce the laws against race and sex discrimination. However, HEW has taken it on itself to determine how they are going to do that, and it is well-known that that bureaucracy and the courts have frequently imposed extreme requirements and remedies never specifically authorized by this Congress.

We have to spell out what we intend. We never enacted any law requiring racial quotas in the schools, but the bureaucracy continues to do that, and they are damaging our education.

The intent of my amendment was not to repeal the civil rights law, but it was to limit the bureaucracy in its manner of investigation of charges of discrimination.

I feel we do have some small victory in what has been left in this amendment. The sponsors of the Senate amendment said they were retaining the Holt amendment directing HEW not to unduly harass schools.

There was legislative history made in the Senate indicating that we are unhappy with the way HEW is carrying out our mandate.

This amendment was originally brought about because of HEW's activities in Anne Arundel County. This is being thrashed out in the courts at the present time.

In the Senate, the Senator from New York and ranking minority member of the Committee on Labor and Public Welfare promised the junior Senator from Maryland that he would press for a hearing on any such arbitrary exercise of power. That is an admission that there is an exercise of power there that should not be taken.

The Senator from Michigan, who led the Senate opposition to my amendment, also promised to work for a hearing on the conduct of HEW. He described his own colloquy with Senator BEALL as an attempt to make legislative history so that HEW would understand that we would not tolerate harassment from what the Senator from Maryland has called the bureaucrats in HEW.

So there is an admission there that there is harassment. I feel that we must get the attention of HEW, or we are going to destroy our school systems.

I am confident that if we did have hearings that it would show that Congress must define what is necessary to enforce the laws against discrimination.

Although the language that has returned from the Senate I feel is somewhat ambiguous, there has never been any question about the position of this House. We want the laws against race and sex discrimination to be enforced, but we are thoroughly against quota systems which are inherently discriminatory.

Mr. MAHON. Mr. Speaker, I would ask the gentlewoman from Maryland (Mrs. HOLT) to remain on her feet, if she will, please.

Mr. Speaker, I have discussed the situation with the proponents of the Holt amendment, and with the opponents of the Holt amendment. Is it the view of the gentlewoman from Maryland (Mrs. HOLT) that there is hardly any alternative now other than the adoption of the motion which I have made in order that the supplemental appropriation bill may be sent to the President and enacted into law?

Mrs. HOLT. Mr. Speaker, if the gentleman will yield, I believe we have a victory in having the Holt language in this bill, and in having the legislative history that we have just been making. I feel it is a step in the right direction to put the Holt language in there. So I feel we have made progress.

Mr. MAHON. I thank the gentlewoman from Maryland.

Mr. Speaker, I think it is noteworthy to say that it is not altogether a hollow victory, so to speak, because it simply says that despite the language which had been adopted by the House:

. . . except as may be required to enforce non-discrimination provisions of Federal law. . . .

In other words, this does not repeal existing Federal law, it could be used to argue that the Holt amendment undertook to repeal existing Federal law. I do not interpret the Federal law to have mandated the action which HEW has taken with regard to this issue.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, the gentleman from Texas has always been very careful with his words, and I would ask the gentleman from Texas if this does not go further, and it would be my opinion, as one of the people who has worked on these amendments, that it does not weaken it; it almost negates and obliterates the amendment, which directed the bureaucracy at HEW to stop carrying out the practices which the Holt amendment attempted to get to, which was on one basis to enforce nondiscrimination on the basis of Federal law. We passed the Holt amendment, and the Senate has added to this, so that if we agree to this then they are now in the exact same place they were before the amendment was adopted, the only difference being we will have some victory in the sense that clearly it is a message to them, as the original intent of the Holt amendment was, that those of us in the House are upset at the way they are handling the situation, and the regulations they are issuing, but, as far as anything in law, by putting those words at the end of it, will negate and obliterate, in my opinion, the entire Holt amendment.

So I ask the gentleman from Texas if in the gentleman's opinion we do little more than weaken the Holt amendment?

Mr. MAHON. Could the gentleman state his question again?

Mr. ASHBROOK. I am saying that we just do not merely weaken the amendment, as the gentleman suggested, with our present language, but that we negate the whole amendment.

Mr. MAHON. I do not believe I can concur fully in that statement. The Senate amendment adds to the Holt amendment contained in the conference report "except as may be required to enforce nondiscrimination provisions of Federal Law". In other words, the Senate says, and as we would say if we approve this, that we do not repeal Federal law by adopting the motion I have made. There has been some opinion as to what the Federal law says, and of course this is where the difficulties arise.

So it seems to me that in an appropriation bill we have gone as far as we can go, in this bill and that the gentlewoman from Maryland (Mrs. HOLT) is correct that it is about all that can be achieved at the moment, and that in the next session the issue will again be before the Congress.

Mr. ASHBROOK. If the gentleman from Texas will yield still further, I think it is rather strange that we always get into this same position as in the busing amendment with the Holt amendment, and in that amendment we are not trying to condemn all of the actions that have been taken by the bureaucracy, but we seem to continually get to a conference—and I have been in the conference on the busing amendment, and I know we sit there and, sooner or later, we accept the Scott-Mansfield compromise which in effect negates the entire amendment that the House voted on, and here we are in the same position. And then we come back to this body—and again I am not taking away from the work the gentleman from Texas has done on this, because I know that at some point we have to give in, but I cannot help but point out that it always seems the House is the one that gives in.

We come back here and say: There is nothing else we can do; we have to accept Scott-Mansfield. We have to accept this amendment to get the bill through.

I think many of us start to wonder—I think the American people are well going to wonder—when we time and time again say this is all we can do. I think they are looking for more than this.

Again, I thank the gentleman for yielding. I would venture to say that language such as this negates the entire thrust of the Holt amendment.

Mr. MAHON. I will say to my friend, the gentleman from Ohio, that the Holt amendment was adopted by the House. A modification of it was adopted by the conference. The House supported the conference report on the Holt amendment. It was beyond our authority to dictate to the Senate what the Senate would do when it took up the conference report. The Senate in taking up the conference report decided to leave the Holt amendment in the law, in the bill, and also to add a proviso that it should not in effect repeal existing law with respect to the issue involved.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois, the ranking minority member of the Subcommittee on Health, Education, and Welfare.

Mr. MICHEL. I thank the gentleman for yielding.

Is it not fair to say, here is an appropriation bill on which we do not want to legislate or change the existing law? That is not the function of our Committee on Appropriations, but rather, to give direction, if we can, either through report language or bill language if we do not like the particular manner in which the law is being administered, or that there is a change of emphasis as reflected by the kinds of appropriations we have here on the floor in consideration of money bills.

I think the gentlewoman from Maryland has pretty well expressed herself here and that there has been something good accomplished by this dialog between both bodies and on what takes place today. I think we have a partial victory, not everything some people would like, but I think it is just impractical to think we could go down the road and not adopt affirmatively the gentleman's motion here, and take what victory we can from it.

Mr. ASHBROOK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I thank the gentleman for yielding.

All right, I think that is fine. I accept what the gentleman from Illinois says. But let us analyze closely what he says. I agree an appropriation bill is a difficult and maybe an improper place for an amendment such as this. The gentleman from Illinois and the gentleman from Texas said exactly the same thing, and that is, we were not going to change existing law.

To go back to the point I made, if they were sending out these questionnaires under existing laws, if the gentleman from Illinois and the gentleman from Texas both agree, we have not changed existing law. Then we end up with precisely what I have said, and that is nothing. But if we have not changed the law, as the chairman said, then the whole amendment means absolutely nothing. That is the only point I want to make at this stage.

I agree with the gentleman that we have not changed the law, except the

psychology, except for sending a telegram to HEW, except for letting them know we are upset. We do not in any way change the basic law.

Mr. MICHEL. I say, give them another chance, and if they do not straighten up and fly right, there is going to be a lot stronger language.

Mrs. HOLT. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentlewoman from Maryland.

Mrs. HOLT. I thank the gentleman for yielding.

I should like to say I feel that there is nothing in the law now that allows HEW to send out the questionnaires. That is not the law. That is the point that I feel that we have made in this long, arduous debate that we have had here, and that is that they are violating the law, and we want them to recognize what the intent of Congress was. I think that is where we can say that we have gained something. We have put the onus of this on HEW, as I see it. We feel that they are breaking the law and not carrying out the law as it was intended by the Congress. I think that is where we have got to exercise our oversight more strenously than we have in the past, but I think we can make real progress if we do that.

Mr. MAHON. Mr. Speaker, I thank the gentlewoman from Maryland for pointing out a very important and pertinent point. We have indeed accomplished something, although many of us would have preferred a stronger provision. Unfortunately, in the short time remaining in this session it is just not possible to get a stronger provision and still get this bill passed. And it is essential to have a bill in order to provide for the Elementary and Secondary Education Act, the new community development programs, and numerous other programs.

Mr. FLOOD. Mr. Speaker, I hope that the House will concur in the Senate action on amendment No. 17 to the bill, H.R. 16900, the supplemental appropriation bill for 1975.

I would remind Members that, in many ways, this is not a supplemental appropriation bill. It includes annual appropriations for all of the elementary and secondary education programs, not only for fiscal year 1975 but also advance appropriations for fiscal year 1976. Insofar as these programs are concerned, this is not just a routine supplemental appropriations bill.

Unfortunately the committee could not consider appropriations for elementary and secondary education in the regular Labor-HEW bill because the legislative authorization had expired. When the authorization was enacted last August, the committee immediately began consideration of these programs as part of a supplemental appropriations bill. We worked hard—as did the other body—to put together, as quickly as possible, an appropriation bill so that the State and local educational agencies could know how much Federal aid they will receive to operate their programs during the current school year and the next.

This bill includes over $5 billion in Federal aid to education. It is being delayed over a legislative matter that I thought was settled last summer when Congress passed the Education Amendments of 1974. It is unfair to raise the civil rights issue in an appropriation bill. If Members are not satisfied with the present law, they should follow normal procedure and seek a change in the basic law.

The Senate amendment is designed to clarify the legislative language provision contained in amendment No. 17. It has nothing to do with the amounts appropriated for elementary and secondary education—that has already been settled. The language change made by the Senate removes much of the uncertainty and ambiguity of the legislative provision. It avoids serious constitutional questions that have been raised. It places responsibility for administering Federal laws where it belongs and where Congress intended it be placed.

My principal concern is to pass this supplemental appropriations bill and send it to the President. The local school districts are anxiously awaiting the funds in this bill so they can proceed with their educational programs.

Mr. STOKES. Mr. Speaker, I rise in support of the Mahon motion that the House recede and concur in the Senate language to the Holt amendment. I want to take this opportunity to commend the distinguished chairman of my committee, Mr. MAHON, for his position regarding this amendment. It is unfortunate that the House did not strike this amendment from the bill when it was first proposed. In my opinion it was legislation on an appropriations bill and had absolutely no business being considered by the House as an amendment to a supplemental appropriations bill. It is to the credit of the other body, that each time this amendment has been proposed in their chamber, that they have in effect rejected it.

Last week when we debated this amendment in the House, I said then, and I say now, that this amendment is dangerous, unconstitutional, and unconscionable. It is clearly an unresponsible act for the House today to permit an amendment tacked onto a supplemental appropriations bill to vitiate the provisions of title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972. We cannot permit a purely local problem occurring in Anne Arundel County, Md., to erupt into anything more than that—a purely local matter.

It took years and years for this Congress to enact the meaningful civil rights laws to which I have just referred. This Nation can be proud of this legislation protecting minorities and women from discrimination. This Holt amendment, unchecked, would substantively wipe great legislation right off the books. I am sure that even the gentlewoman who proposed this amendment would not want the result of what this amendment would accomplish.

Mr. Speaker, the Holt amendment would be a step backward for the Nation. I endorse the Senate language which effectively checks the Holt amendment. I intend to vote for the Mahon amendment to concur and recede, and I urge all of my colleagues to vote "aye."

Ms. ABZUG. Mr. Speaker, I rise to support the motion to accept the Senate language on the amendment to the supplemental appropriations conference report, the so-called Holt amendment.

As one who opposed the Holt amendment in October when it was first presented to this body, and one who again opposed it when it came back from the conference committee earlier this month, I believe the Holt amendment should have been stricken. I support the Senate language, because it has the same effect.

By adding the words, "except as may be required to enforce nondiscrimination provisions of Federal law" we will demonstrate that the House is not ready to violate the Constitution or legislate on appropriation bills or repeal years of work in the fields of civil rights for women and minorities. We will demonstrate that we are not in favor of repealing the 1964 Civil Rights Act or title IX of the Education Amendments of 1972.

While I will not take the time of this body to review all the legal and moral arguments against the Holt amendment, it is vital to remember that unless the Federal Government has the authority to assign and classify, we can have no compliance with the antidiscrimination laws.

We in Congress must not present an image to the American people of passing antidiscrimination laws on the one hand and on the other take away the authority to enforce those laws. We cannot limit HEW's authority to insure that Federal assistance programs are administered in accordance with the Constitution.

The educational systems in this bill are receiving Federal funds. These systems, therefore, have no right to violate the Constitution. The adoption of the Senate language will insure our compliance with law, the Constitution, and our moral obligations.

Mr. MAHON. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 224, nays 136, not voting 74, as follows:

[Roll No. 689]

YEAS—224

Abzug	Green, Pa.	Preyer
Addabbo	Gude	Price, Ill.
Alexander	Guyer	Pritchard
Anderson, Calif.	Hamilton	Quie
Anderson, Ill.	Hammer-schmidt	Railsback
Andrews, N. Dak.	Hanna	Rees
Ashley	Hanrahan	Regula
Aspin	Hansen, Idaho	Reuss
Barrett	Hawkins	Rinaldo
Bergland	Hays	Robison, N.Y.
Biaggi	Hechler, W. Va.	Rodino
Biester	Heckler, Mass.	Roe
Blatnik	Heinz	Roncalio, Wyo.
Boggs	Helstoski	Rooney, Pa.
Boland	Hicks	Rose
Bolling	Hillis	Rosenthal
Brademas	Holtzman	Rostenkowski
Breckinridge	Horton	Roush
Broomfield	Hungate	Roybal
Brown, Calif.	Johnson, Calif.	Ruppe
Brown, Mich.	Johnson, Colo.	Ryan
Brown, Ohio	Jones, Ala.	St Germain
Burke, Calif.	Jordan	Sarbanes
Burlison, Mo.	Karth	Schroeder
Burton, Phillip	Kastenmeier	Sebelius
Carney, Ohio	Kemp	Selberling
Cederberg	Kluczynski	Shriver
Chisholm	Koch	Sisk
Clausen, Don H.	Kyros	Slack
Clay	Leggett	Smith, Iowa
Cleveland	Lehman	Smith, N.Y.
Cochran	Long, Md.	Stanton, J. William
Cohen	McCloskey	Stanton, James V.
Collier	McCormack	Stark
Collins, Ill.	McDade	Steed
Conable	McEwen	Steelman
Conte	McFall	Steiger, Wis.
Conyers	McKay	Stokes
Corman	McKinney	Stratton
Coughlin	Madden	Stubblefield
Cronin	Madigan	Studds
Culver	Mahon	Talcott
Danielson	Mallary	Thompson, N.J.
Davis, S.C.	Mann	Thomson, Wis.
de la Garza	Mathias, Calif.	Thone
Dellenback	Matsunaga	Thornton
Dellums	Mayne	Tiernan
Denholm	Mazzoli	Traxler
Dent	Meeds	Udall
Donohue	Melcher	Ullman
Dorn	Metcalfe	Van Deerlin
Drinan	Mezvinsky	Vander Veen
Dulski	Michel	Vanik
du Pont	Minish	Veysey
Eckhardt	Mink	Vigorito
Edwards, Calif.	Mitchell, Md.	Waldie
Eilberg	Mollohan	Ware
Erlenborn	Moorhead, Pa.	Whalen
Esch	Morgan	White
Evans, Colo.	Mosher	Widnall
Fascell	Moss	Wiggins
Findley	Murphy, Ill.	Wilson, Bob
Fish	Murtha	Wilson, Charles H., Calif.
Flood	Natcher	Wilson, Charles, Tex.
Foley	Nelsen	Wolff
Ford	Nix	Wyatt
Forsythe	Obey	Yates
Frenzel	O'Brien	Yatron
Frey	O'Neill	Young, Ga.
Fuqua	Owens	Young, Ill.
Gaydos	Patten	Young, Tex.
Gilman	Pepper	
Gonzalez	Perkins	
Gray	Peyser	
Green, Oreg.	Pickle	
	Pike	

NAYS—136

Andrews, N.C.	Burleson, Tex.	Fisher
Annunzio	Byron	Fountain
Archer	Camp	Froehlich
Arends	Carter	Fulton
Ashbrook	Casey, Tex.	Gettys
Bafalis	Clancy	Ginn
Baker	Clawson, Del	Goldwater
Bauman	Collins, Tex.	Goodling
Beard	Conlan	Gross
Bennett	Crane	Gubser
Bevill	Daniel, Dan	Gunter
Blackburn	Daniel, Robert W., Jr.	Haley
Bowen	Davis, Wis.	Hanley
Bray	Delaney	Harsha
Breaux	Dennis	Henderson
Brinkley	Derwinski	Hinshaw
Brooks	Devine	Holt
Broyhill, N.C.	Dickinson	Hosmer
Broyhill, Va.	Duncan	Huber
Burgener	Edwards, Ala.	Hunt
Burke, Fla.	Evins, Tenn.	Hutchinson
Burke, Mass.	Flynt	Ichord
Jarman	Myers	Snyder
Johnson, Pa.	Nedzi	Spence
Jones, Tenn.	Nichols	Staggers
Kazen	Passman	Steiger, Ariz.
Ketchum	Patman	Stuckey
King	Pettis	Sullivan
Kuykendall	Poage	Symms
Lagomarsino	Powell, Ohio	Taylor, Mo.
Landgrebe	Price, Tex.	Taylor, N.C.
Latta	Quillen	Teague
Lent	Randall	Treen
Lott	Rarick	Waggonner
Lujan	Roberts	Walsh
McCollister	Robinson, Va.	Wampler
Martin, Nebr.	Rogers	Whitehurst
Martin, N.C.	Roy	Whitten
Mathis, Ga.	Runnels	Winn
Millford	Ruth	Wright
Miller	Satterfield	Wydler
Mitchell, N.Y.	Scherle	Wylie
Moakley	Schneebeli	Young, Alaska
Montgomery	Shuster	Young, S.C.
Moorhead, Calif.	Sikes	Zablocki
	Skubitz	Zion

NOT VOTING—74

Abdnor	Fraser	Minshall, Ohio
Adams	Frelinghuysen	Mizell
Armstrong	Giaimo	Murphy, N.Y.
Badillo	Gibbons	O'Hara
Bell	Grasso	Parris
Bingham	Griffiths	Podell
Brasco	Grover	Reid
Brotzman	Hansen, Wash.	Rhodes
Buchanan	Harrington	Riegle
Burton, John	Hastings	Roncallo, N.Y.
Butler	Hébert	Rooney, N.Y.
Carey, N.Y.	Hogan	Rousselot
Chamberlain	Holifield	Sandman
Chappell	Howard	Sarasin
Clark	Hudnut	Shipley
Cotter	Jones, N.C.	Shoup
Daniels, Dominick V.	Jones, Okla.	Steele
Davis, Ga.	Landrum	Stephens
Diggs	Litton	Symington
Dingell	Long, La.	Towell, Nev.
Downing	Luken	Vander Jagt
Eshleman	McSpadden	Williams
Flowers	Macdonald	Wyman
Flynt	Maraziti	Young, Fla.
	Mills	Zwach

So the Senate amendment to the House amendment to Senate amendment No. 17, was concurred in.

The Clerk announced the following pairs.

On this vote:

Mr. Murphy of New York for, with Mr. Hébert against.

Mr. Bingham for, with Mr. Eshleman against.

Mr. Adams for, with Mr. Maraziti against.

Mr. John L. Burton for, with Mr. Roncallo of New York against.

Mr. Bell for, with Mr. Rousselot against.

Mr. Frelinghuysen for, with Mr. Williams against.

Mr. Howard for, with Mr. Young of Florida against.

Mr. Shipley for, with Mr. Chappell against.

Mr. Badillo for, with Mr. Flynt against.

Mr. Cotter for, with Mr. Gibbons against.

Mr. Diggs for, with Mr. Jones of North Carolina against.

Mr. Luken for, with Mr. Landrum against.

Mr. Macdonald for, with Mr. Long of Louisiana against.

Mr. Harrington for, with Mr. Stephens against.

Mr. Zwach for, with Mr. Giaimo against.

Mr. Symington for, with Mr. Abdnor against.

Mr. Steele for, with Mr. Butler against.

Mr. Riegle for, with Mr. Grover against.

Mr. Rooney of New York for, with Mr. Hogan against.

Mr. Reid for, with Mr. Hudnut against.

Mr. Carey of New York for, with Mr. Buchanan against.

Mr. Clark for, with Mr. Hastings against.

Mrs. Grasso for, with Mr. Mizell against.

Mr. Litton for, with Mr. Parris against.

Mrs. Griffiths for, with Mr. Sarasin against.

Until further notice:

Mr. Brotzman with Mr. Dingell.

Mr. Minshall of Ohio with Mr. O'Hara.

Mr. McSpadden with Mr. Fraser.

Mr. Wyman with Mr. Mills.

Mr. Towell of Nevada with Mr. Jones of Oklahoma.

Mr. Holifield with Mrs. Hansen of Washington.

Mr. Flowers with Mr. Sandman.

Mr. Dominick V. Daniels with Mr. Chamberlain.

Mr. Downing with Mr. Davis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just agreed to.

Is there objection to the request of the gentleman from Texas?

There was no objection.

CONSENT CALENDAR

The SPEAKER pro tempore (Mr. McFALL). This is Consent Calendar day. The Clerk will call the first bill on the consent calendar.

EMERGENCY TOBACCO PRICE SUPPORT INCREASE

The Clerk called the bill (H.R. 16056) to provide for emergency increases in the support level for the 1974 crop of Flue-cured tobacco.

Mr. PEYSER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MINIMUM GRADE STANDARDS FOR GRAPES AND PLUMS

The Clerk called the bill (H.R. 13022) to amend the act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations.

There being no objection, the Clerk read the bill, as follows:

H.R. 13022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of September 2, 1960, as amended (74 Stat. 734), is amended by inserting in the first sentence thereof "and destination" immediately following the words "such variety" and "to such destination" at the end of such sentence.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

PERSONAL STATEMENT

Mr. HEINZ. Mr. Speaker, I was unavoidably absent on congressional business last week during several rollcall votes. I ask unanimous consent that the RECORD show that, had I been present, I

would have voted as follows: Rollcall No. 662, "aye"; rollcall No. 670, "aye"; rollcall No. 679, "aye"; rollcall No. 680, "aye"; rollcall No. 681, "aye"; and, rollcall No. 683, "aye."

AMENDING THE ACT OF JUNE 15, 1912, TO PERMIT AN EXCHANGE OF LANDS IN THE STATE OF CALIFORNIA

The Clerk called the bill (H.R. 7515) to amend the act of June 15, 1912, to permit an exchange of lands in the State of California.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California

There was no objection.

AMENDING THE ADMISSION ACT FOR THE STATE OF IDAHO

The Clerk called the Senate bill (S. 939) to amend the Admission Act for the State of Idaho to permit that State to exchange public lands, and for other purposes.

There being no objection, the Clerk read the Senate bill as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Admission Act for the State of Idaho (26 Stat. 215), as amended, is further amended, as follows:

(a) In the first sentence of such section delete "That" and insert in lieu thereof "(a) Except as provided in subsection (b),".

(b) In the second sentence of such section—

(1) delete "But said" and insert in lieu thereof "Such";

(2) after "hydrocarbon lease," insert "or a geothermal resource and associated by-products lease,"; and

(3) after "produced" insert "in paying quantities or the lessee in good faith is conducting well drilling or construction operations,".

(c) At the end of such section insert the following new subsection:

"(b) Such lands may be exchanged for other lands, public or private. The values of such lands so exchanged shall be approximately equal or, if they are not approximately equal, they shall be equalized by the payment of money by the appropriate party. If any such lands are exchanged with the United States, such exchange shall be limited to Federal lands within the State that are subject to exchange under the laws governing the administration of such lands. All such exchanges heretofore made with the United States are hereby approved.".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONVEYING CERTAIN LANDS IN IDAHO TO THE CITY OF COEUR D'ALENE

The Clerk called the Senate bill (S. 2343) to authorize the Secretary of the Interior to convey, by quit-claim deed, all right, title, and interest of the United States in and to certain lands in Coeur d'Alene, Idaho, in order to eliminate a cloud on the title to such lands.

There being no objection, the Clerk read the Senate bill as follows:

S. 2343

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the Act of April 28, 1904 (33 Stat. 485), the Secretary of the Interior is authorized and directed to convey, by quit-claim deed and without consideration, to the city of Coeur 'Alene, Idaho, all right, title, and interest of the United States in and to the following tract of land: A triangular shaped tract of land lying in the northeast corner of Government lot 48, section 14, township 50 north range 4 W.B.M., Kootenai County, State of Idaho, bounded on the west by the Northwest Boulevard, and on the north by Garden Avenue.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING AUTHORITY FOR THE ARMY TO INVOLUNTARY DISCHARGE REGULAR COMMISSIONED OFFICERS IN GRADES BELOW MAJOR WHENEVER THERE IS A REDUCTION IN FORCE

The Clerk called the Senate bill (S. 3191) to amend title 10, United States Code, to provide that commissioned officers of the Army in regular grades below major may be involuntarily discharged whenever there is a reduction in force.

There being no objection, the Clerk read the Senate bill as follows:

S. 3191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 361 of title 10, United States Code, is amended by inserting the following new section after section 3814, and inserting a corresponding new item in the chapter analysis:

"§ 3814a. Regular commissioned officers; second lieutenants, first lieutenants, and captains; discharge during a reduction in force

"(a) Under regulations prescribed by the Secretary of the Army, whenever he determines that a reduction in the active duty officer personnel strength of the Army is required, he is authorized to remove from the active list of the Regular Army any commissioned officer below the grade of major, if such officer is recommended for removal from the active list by a board of officers appointed by the Secretary of the Army, or his designee, for the purpose of recommending the removal of officers from the active list.

"(b) Any officer selected for removal from the active list of the Regular Army under subsection (a) shall—

"(1) if he is eligible, and so requests, be retired under section 3911 of this title on the date requested by him and approved by the Secretary, but not later than ninety days after such officer receives notification that he is to be removed from the active list of the Regular Army;

"(2) if he is not eligible for retirement under section 3911 of this title, but is eligible for retirement under any other provision of law, be retired under that law on the date requested by him and approved by the Secretary, but not later than ninety days after the date such officer receives notification that he is to be removed from the active list of the Regular Army; or

"(3) if he is not eligible for retirement under section 3911 of this title or any other provision of law, or does not request retirement under section 3911 of this title or under any other provision of law if he is eligible, be honorably discharged on the date requested by him and approved by the Secretary, but not later than ninety days after the date such officer receives notification that he is to be removed from the active list of the Regular Army, and be granted a readjustment payment as provided in subsection (c) of this section.

"(c)(1) Any officer discharged under subsection (b)(3) and who has completed, immediately before his discharge, at least five years of continuous active duty is entitled to a readjustment payment computed by multiplying his years of active service, but not more than eighteen, by two months' basic day of the grade in which he is serving on the date of his discharge. Such an officer may not be paid more than two years' basic pay of the grade in which he is serving at the time of his discharge or $15,000, whichever amount is the lesser.

"(2) For the purpose of computing the amount of a readjustment payment under subsection (b)(3), a part of a year that is six months or more is counted as a whole year, and a part of a year that is less than six months is disregarded.

"(d) If any officer who received a readjustment payment under this section qualifies for retired pay under any provision of this title or title 14 that authorizes his retirement upon completion of twenty years of active service, an amount equal to 75 per centum of that payment, without interest, shall be deducted immediately from his retired pay.

"(e) This section does not apply to any officer who is required to be discharged or retired for failure of promotion to the grade of first lieutenant, captain, or major under section 3298 or 3303, as appropriate, or who is found to be disqualified for promotion under section 3302 of this title.

"(f) When, under regulations prescribed by the Secretary, any officer has been recommended for removal from the active list of the Regular Army under chapter 359 or 360 of this title, and that recommendation has been received by headquarters, Department of the Army, or when, under regulations prescribed by the Secretary, any officer has been selected by headquarters, Department of the Army, for discharge under section 3814 of this title, such officer may not be considered for removal from the active list under this section. However, any action by any headquarters subordinate to headquarters, Department of the Army, with respect to proceedings for the consideration of any officer for discharge under chapter 359 or 360 or section 3814 of this title shall not prevent consideration for removal of such officer from the active list under this section. Further, the removal of any officer from the active list under this section is not prevented if such officer was previously considered for discharge under chapter 359 or 360 of this title and was recommended for retention under such provision of law or if such officer was recommended for discharge under section 3814 but was not discharged under authority of such section.

"(g) Under regulations prescribed by the Secretary, any regular officer who is within two years of becoming eligible for retired pay may not be involuntarily discharged under this section before he becomes eligible for that pay, unless his discharge is approved by the Secretary.".

SEC. 2. This Act is effective on the date of enactment and expires three years after that date.

The Senate bill was ordered to be read a third time, was read the third time,